

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:06CR20-P-B

WILBUR LYNN SMITH,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's Motion for Continuance [36-1]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for July 30, 2007. Defense counsel requests another continuance given the defendant has recently been diagnosed as competent to stand trial after having undergone mental evaluation and treatment for over a year and counsel needs additional time to consult with his client to prepare for trial.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from July 30, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [36-1] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, August 27, 2007 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from July 30, 2007 to August 27, 2007 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is August 6, 2007; and

(5) The deadline for submitting a plea agreement is August 13, 2007.

SO ORDERED this the 24th day of July, A.D., 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE